

REMARKS

Prior to the present Amendment, claims 86, 87, 89, 90, 92, 93, and 95-101 were all the claims pending in the application. These claims stand rejected under new prior art grounds. In addition, the claims stand rejected under 35 U.S.C. § 112. By this Amendment, Applicant has canceled claims 87, 90, 93, and 95-97 without prejudice or disclaimer. Thus, upon entry of the present Amendment, claims 86, 89, 92, and 98-101 will be all the claims pending in the application.

I. Objection to the Specification

The Examiner has objected to the title of the invention for allegedly not being descriptive. Although the Examiner did not explain why he believed the title is not sufficiently descriptive, Applicant has amended the title in a manner believed to overcome the objection.

Furthermore, the Examiner has objected to the amendment filed September 20, 2007 under 35 U.S.C. 132(a) because it allegedly introduces new matter into the disclosure. The Examiner maintains that the claim recitation “whose value increases or decreases in correspondence to a reference level of the similarity” is new matter. In the previous Office Action, the Examiner raised the same objection. In the Amendment filed April 11, 2008, Applicant argued that the claim recitation is supported by the original disclosure, citing specific examples in support of Applicant’s position. The Examiner appears to have ignored Applicant’s previously submitted arguments in this regard. Applicant’s representative attempted to contact the Examiner regarding this issue, but was unsuccessful. Therefore, Applicant submits that the objection should be withdrawn for the reasons submitted in the Amendment filed April 11, 2008. Accordingly, Applicant requests the Examiner withdraw the objection or provide the Examiner’s reasons for maintaining the objection.

II. Claim Rejections - 35 USC § 112

Claims 86-87, 89-90, 92-93, 95-101 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner maintains that the claim element “whose value increases or decreases in correspondence to a reference level of the similarity” was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As discussed above, in the Amendment filed April 11, 2008, Applicant traversed this rejection by citing specific portions of the specification that provide written description support for the above-cited claim feature. However, the Examiner fails to address Applicant’s arguments in the present Office Action.

Furthermore, claims 87-88, 90-91, 93-94 and 98 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. However, in the Amendment filed April 11, 2008, Applicant canceled claims 88, 91, and 94 without prejudice or disclaimer, such that the Examiner’s concerns with respect to these claims are moot.

In addition, the Examiner maintains that claim 98 is identical to claim 89 and adds no further limitation. Specifically, the Examiner maintains that the phrase “at least one frame which is temporally before and one frame which is temporally after” still is only one frame as stated in the remainder of claim 98. In the previous Amendment, Applicant argued that because the claim is described with a conjunctive term (and) rather than a disjunctive term (or), one skilled in the art would understand the implication of plural frames in the remaining claim recitation. Once again, the Examiner appears to have ignored Applicant’s arguments with regard to the rejections

under 35 U.S.C. § 112, second paragraph. Thus, Applicant submits that the rejection under 35 U.S.C. § 112 should be withdrawn for the reasons set forth in the Amendment filed April 11, 2008. Accordingly, Applicant requests the Examiner either withdraw the rejection or provide the Examiner's rationale for maintaining the rejection.

III. Claim Rejections - 35 USC § 103

Claims 86-87, 89-90, 92-93, 95-101 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Japanese Unexamined Patent Publication No. 2001-177714 to Masaya ("Masaya") in view of Japanese Unexamined Patent Publication No. 2000-354244 to Nobutaka ("Nobutaka") and International Publication No. 00/008860 to Bonnet et al. ("Bonnet").

A. Claims 86, 87, 95, and 99

Amended claim 86 recites, *inter alia*,

a motion vector is computed for each area of said plurality of areas;
said areas are grouped into a plurality of subject areas based on said motion vector of each area of said plurality of areas;
said similarity is computed for each of corresponding subject areas in said at least one frame which correspond to said plurality of subject areas; and
said processed frame is acquired by obtaining weighting coefficients whose values increase or decrease in correspondence to a reference level of the similarity, then weighting said corresponding subject areas of said at least one frame with said weighting coefficients, and synthesizing said weighted subject areas and said plurality of subject areas.

In rejecting claim 95, the subject matter of which has been incorporated into claim 86, the Examiner asserts that both Nobutaka and Bonnet teach the features of claim 95, without citing any specific portions of the references. However, neither of the cited references teach or suggest computing a motion vector for each area of the plurality of areas, grouping the areas into a plurality of subject areas based on the calculated motion vector, and computing similarity for

each of the subject areas. More specifically, Nobutaka teaches that a frame is divided into blocks and the similarity is calculated for each block. *See* Nobutaka at paragraph [0044]. However, Nobutaka fails to teach or suggest the steps of calculating a motion vector for the plurality of blocks, grouping the blocks into subject areas according to motion vector, and calculating the similarity of the subject area.

Further, Bonnett merely teaches that a weighting coefficient is calculated for every pixel of a frame. *See* Bonnett at page 4, line 19 to page 5, line 9. That is, Bonnett fails to teach or suggest grouping areas based on motion vectors, and calculating the similarity for each of the grouped areas. Accordingly, Applicant submits that claim 86 is patentable for at least the foregoing reasons. Since claims 87 and 95 have been canceled without prejudice or disclaimer, Applicant submits that the rejection of such claims is now moot. Since claim 99 depends upon claim 86, Applicant submits that it is patentable at least by virtue of its dependency.

B. Claims 89, 90, 92, 93, 96-98, and 100-101

Since claims 89 and 92 recite features similar to those discussed above in conjunction with claim 86, Applicant submits that such claims are patentable at least for reasons similar to those set forth for claim 86. Since claims 98 and 100 are dependent upon claim 89, Applicant submits that such claims are patentable at least by virtue of their dependency. Since claim 101 is dependent upon claim 92, Applicant submits that it is patentable at least by virtue of its dependency. Since claims 90, 93, 96 and 97 have been canceled without prejudice or disclaimer, Applicant submits that the rejection of such claims is now moot.

IV. Response to Requirement for Information

Further to the Response to Requirement for Information submitted August 4, 2008, Applicant is submitting herewith the following documents:

- JP 2002-185874
 - English and Japanese versions of the Appeal Brief submitted February 13, 2008
 - English and Japanese versions of the Decision of Grant issued on March 18, 2008
- JP 2002-249213
 - English and Japanese versions of the Decision of Grant issued March 25, 2008
- JP 2002-284126
 - English and Japanese versions of the Decision of Grant issued March 25, 2008
- JP 2002-284128
 - Japanese and English versions of the Argument and Amendment submitted June 25, 2007
 - Japanese and English versions of the Appeal Brief and Amendment submitted December 14, 2007

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

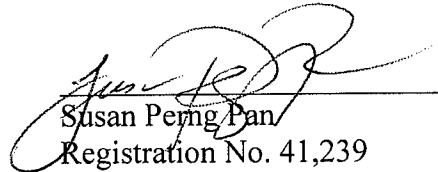
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 3, 2008


Susan Perng Pan
Registration No. 41,239